

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE LITERARY WORKS IN ELECTRONIC
DATABASES COPYRIGHT LITIGATION

Case No. 00-md-1379 (GBD) (KNF)

Judge: Hon. George B. Daniels

STIPULATION AND ORDER

During the telephonic hearing before Magistrate Judge Fox held on June 16, 2015, counsel for the defendants and all counsel for the class agreed on behalf of their clients (the "Parties") to submit a Stipulation and Order and were directed by the court to submit it to the Honorable George B. Daniels for approval:

The Parties stipulate as follows:

1. Six Class members – David Butler, Franklynn Peterson, Judith K-Turkel, the Estate of Bert Greene, Barton Mills and Nancy Mills and Kay Grant ("Six Claimants") – identified by the claims information they filed in 2005, reported, for some of their works, a list of each publication publishing that work and the total compensation received from those publications, not the amount paid by a first or originating publisher. A claim in that form precluded implementation of the Revised Settlement Agreement paragraph 3.f. To resolve the issues thus raised, the parties stipulate that the Claim Administrator will price these claims of the Six Claimants as follows when initially distributing them to publishers for review. For each of these claims, the single claim permissible for the work will be priced at presentment, at the claimant's option, at (i) the price paid by the first or originating publisher (assuming the claimant has this information), (ii) the average price, i.e., the result of dividing the total reported compensation by the number of publishers listed for that work in the claim or (iii) the highest price paid by any one publisher. As so priced, each such claim will be presented to a publisher for review and

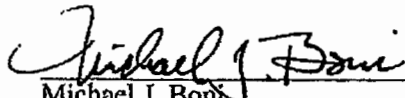
possible objection pursuant to paragraph 3 of the Claims Administration Memorandum

2. Where the Six Claimants have not identified for such works an originating publisher, the Claims Administrator shall assign such works for presentment to particular publishers as follows. If one of the Six Claimants chooses to have a syndicated work priced at the highest amount paid by any one publisher, the claim for that work will be presented to that publisher. If the claimant can identify a first or originating publisher for the work, the claim will be directed to that publisher at the price paid by that publisher. In all other instances, the claim will be directed to a publisher selected at random by the Claims Administrator from all those who published the work (randomly to a Participating Publisher if at least one of the publishers is a Participating Publisher, and otherwise randomly among those identified in the claim).

3. With respect to two of the Six Claimants, Barton Mills and Nancy Mills, counsel for the C Claims, Charles Chalmers, identified on June 12, 2015 certain works only one of which was intended to be submitted as a claim and the remainder of the identified works which were never intended to be submitted as separate claims. The Claims Administrator shall determine the originating publisher for the identified works that that were intended to be submitted as claims pursuant to paragraph 2 above and shall designated the remainder of the identified works as ineligible duplicate claims, which will not be presented to any publisher.

4. Settlement payments made pursuant to this Stipulation and Order shall be deemed to be paid substantially in accordance with the Revised Settlement Agreement.

Dated: October 6, 2015


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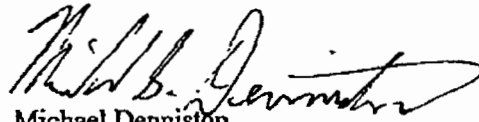
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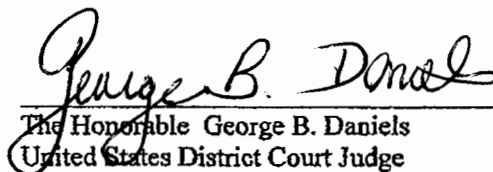
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IT IS SO ORDERED.

Dated: _____

007 30 2015



The Honorable George B. Daniels
United States District Court Judge